

Docket No. 50107-459

Applicants are concurrently submitting a Request for Approval of Drawing Amendment to add "R" and "router" to Figure 6. The drawing amendment adds labels to boxes in the drawing and thereby corrects an informality that the Examiner identified in the parent application. The specification (page 32) has been amended to indicate that the label "R" is short for "router." Applicants solicit approval of the proposed drawing amendment. Other informalities of the drawing will be corrected by submission of formal drawings, upon receipt of a notice of allowance of the claims.

Applicants also have amended claims 2, 7 and 8 to correct informalities and/or indefiniteness, as in the parent application.

Applicants have amended independent claim 1 to include language added thereto during prosecution in the parent case. Applicants have further amended that claim to include a step of allocating a resource sufficient to provide a guaranteed level of service through the wide area packet switched network and to indicate that the link is established via the resource at or above the guaranteed level of service. As discussed more below, these amendments should help to further distinguish the claim over the art. Dependent claims have been amended as appropriate to conform the language thereof to the new language of the independent claim. Claim 20 has generally been amended in a manner similar to claim 1.

An Information Disclosure Statement is submitted herewith to make art considered in the parent case of record in this continuation case.

Applicants have added new claims 28 to 37. Claims 28 and 29 depend from claim 20 and correspond to dependent claims considered in the parent case. The other new claims provide additional coverage, which appears patentable to Applicants over the prior art cited in the parent case.

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Hence, claims 1-22 and 28-37 are active in this continuation case. All claims are believed allowable over the art. Applicants solicit an early favorable consideration of this continuation case. The art rejection from the parent case and the patentability of the claims is outlined below.

The Art Rejection

The November 24, 1999 final Office Action in the parent case included a 103 rejection of the claims over the Yang RFC document in combination with U.S. Patent No. 5,483,587 to Hogan et al. The Yang document proposes the development of an open-industry standard for carrying the long-distance portion of telephone calls through the Internet. Implementation would involve deployment of INETphone servers in various area codes. These servers function as gateways between the local telephone networks and the Internet. The service may also utilize directory servers to identify the appropriate remote gateway server and provide the IP address for that server, to enable communication through the Internet. In operation, a user would make a local telephone call to an INETphone server coupled to the caller's local telephone network. The caller would input PIN and destination telephone number digits. The local INETphone server would identify a server operating in the area serving the input destination number, and the local server would initiate packet communication with the remote INETphone server. The remote server would then initiate another local call to the destination telephone number.

The Examiner recognizes that the Yang system does not utilize any signaling channel from a local telephone network to any of the INETphone servers. The Examiner cites the Hogan et al. Patent for a teaching of use of a signaling channel to provide dialed numbers to a server. The Hogan et al. Patent relates to a call conferencing system 302, which includes a switch 306 and a network control processor 304 for providing telephone call bridging services for

conference purposes. The system does communicate signaling information to/from switches of the telephone network using a signaling channel such as an SS7 link. The Examiner concludes that it would have been obvious to add the signaling channel link from the Hogan et al. Patent to the INETphone system of Yang, to improve the reliability of the INETphone system.

The final rejection included a further comment to the effect that the link through the Internet provides a different level of service than on a call through the telephone network, therefore the link through the Internet provides a "prescribed" level of service, as required by earlier versions of claims 1 and 20.

Applicants respectfully traverse this art rejection, to the extent if any that it might apply to the claims pending in this continuation case after entry of this preliminary amendment.

Patentability

Applicants maintain as stated repeatedly in the parent case that Yang is not prior art with respect to Applicants' claims and that there is no reasonable suggestion to combine the Yang and Hogan et al. references in the manner proposed in the art rejection. Applicants would also like to take this opportunity to point out that each of the independent claims specifies one or more distinctions, even over the proposed combination of Yang and Hogan et al.

For example, claims 1 and 20 now require allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network. The communication link uses the allocated resource, such that communications between the servers for the call receive at least the guaranteed level of service through the packet network. It is respectfully submitted that the applied documents do not fairly suggest providing service at or above a guaranteed level, as claimed.

These claims now require more than just any "prescribed" level of service. These claims

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instead require service at or above a guaranteed level. The comment about any level of service on the packet network being a "prescribed" level no longer applies. A packet switched network normally provides only best effort service. Best efforts packet service does not guarantee any particular level at all, let alone keep the service at or above some set level.

New claim 30 requires generating a session identifier for the attempt and sending that identifier in a signaling message to the second telephony server. In the communication of packets containing audio information through the packet switched network, at least some of the packets also contain the session identifier. Although some claims rejected in the parent case included session identifier limitations (e.g. claim 20), it is not seen where the cited documents fairly suggest use of a session identifier in the manner claimed, in a context relevant to telephony communications through a packet network like the Internet.

Independent claim 35 requires that the establishment of a communication link between the server involves setting the communication link along a determined communication path within the wide area packet switched network. The communication of the telephone information utilizes the determined communication path. The proposed combination of Yang and Hogan et al. would utilize the common packet communications through the Internet. Normal packet communicants through the Internet utilize standard packet-switching techniques. In such a case, each packet may be sent over any available route within the network, based on the addresses contained in the packet. There is no setting of a link through any particular (determined) path, as claimed.

For these and other reasons, it is believed that all claims pending in this continuation case are patentable over the art.

[illegible]

By the above amendments and the accompanying drawing correction proposal Applicants have corrected informalities noted in the parent case and provided a set of claims that patently defines over the art. This application, including all pending claims, should be in condition for allowance, and Applicants solicit an early notice thereof.

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